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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,992	08/08/2001	Petrus C.J. Hoeven	PHN 16,453A	5409
24737	7590	04/01/2004	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			CHU, KIM KWOK	
			ART UNIT	PAPER NUMBER
			2653	
DATE MAILED: 04/01/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/924,992

Applicant(s)

HOEVEN, PETRUS C.J.

Examiner

Kim-Kwok CHU

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Pre-Amendment filed on 8/8/01 (paper 3).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/202,891.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by applicant for patent*

2. Claims 1-7 are rejected under 35 U.S.C. § 102(e) as being anticipated by Hurst, Jr. (U.S. Patent 5,631,887).

Hurst, Jr. teaches an optical recording apparatus for writing information on an optical recording medium by a radiation beam for setting a write parameter of the radiation beam at an optimum value having all of the steps as recited in claims 1-7. For example, Hurst, Jr. teaches the following:

(a) as in claim 1, writing at least one series of test patterns on the recording medium, the test patterns having various values of the write parameter (Figs. 14A and 15; column 15, lines 14-18; values are mark spaces, A power and P power etc.);

(b) as in claim 1, reading the series of test patterns to form a read signal, the step of deriving values of a read

parameter from the read signal for each test pattern (Fig. 15; step 904);

(c) as in claim 1, determining the optimum value of the write parameter in dependence on the values of the read parameter (Fig. 15, step 906);

(d) as in claim 1, the values of the write parameter in subsequent test patterns form a symmetrical pattern (Fig. 14A; column 15, lines 26-30);

(e) as in claim 2, the symmetrical pattern has a triangular form (Fig. 14A);

(f) as in claim 3, averaging parameter values derived from test patterns symmetrically located in a series (Fig. 14A, column 15, lines 35-40);

(g) as in claim 4, at least two series of test patterns are written on a disc-shaped recording medium, the series being substantially evenly distributed over one revolution of the recording medium (Figs. 14A and 14B);

(h) as in claim 4, the values of the write parameter in each of the at least two series lying within one predetermined range (Figs. 14A and 14b);

(i) as in claim 4, the step of averaging parameter values derived from the at least two series (Figs. 14A and 14B; test patterns are distributed over one revolution of the recording medium);

(j) as in claim 5, three series of test patterns are written (Figs. 14A and 14B);

(k) as in claim 6, the averaging is performed on the values of the read parameter (Figs. 14A and 14B; column 16, lines 37-41); and

(l) as in claim 7, the averaging is performed on the values of the write parameter determined in dependence on the values of the read parameter (Figs. 14A and 14B; column 16, lines 37-41).

3. Claim 8 is rejected under 35 U.S.C. § 102(e) as being anticipated by Hurst, Jr. (U.S. Patent 5,631,887).

Hurst, Jr. teaches an apparatus for writing information on an optical recording medium having all of the elements and means as recited in claim 8. For example, Hurst, Jr. teaches the following:

(a) as in claim 8, a radiation source 150 for emitting a radiation beam (Fig. 1);

(b) as in claim 8, a source control unit 254 for controlling a write parameter of the radiation beam (Fig. 1);

(c) as in claim 8, a test control unit 240 for generating a series of test patterns for being written on the recording medium (Fig. 1; column 16, lines 13-16);

(d) as in claim 8, the test patterns having different values of the write parameter, an output of the test control unit being connected to an input of the source control unit 254 (Figs 14A and 14B);

(e) as in claim 8, a read unit 216 for reading test patterns and forming a corresponding read signal, and a processor 217 operatively connected for deriving values of a read parameter from the read signal for each test pattern, for determining the optimum value of the write parameter in dependence on the values of the read parameter and for forming a write control signal representing the optimum value (Figs. 1,

15. and 16);

(f) as in claim 8, the write control signal being connected to an input of the source control unit 254 (Fig. 1); and

(g) as in claim 8, the write control signal characterized in that the values of the write parameter in subsequent test patterns form a symmetrical pattern (Figs. 14A and 14B).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kimura et al. (5,815,477) is pertinent because Kimura teaches an optical information recording method using a write test pattern.

5. Any response to this action should be mailed to:
Commissioner of Patents and Trademarks Washington, D.C.
20231

or faxed to:
(703) 308-6308, (for formal communications intended for
entry)

Or:
(703) 308-6308, (for informal or draft communications,
please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park
II, 2021 Crystal Drive, Arlington. VA., Fourth Floor
(Receptionist).

Any inquiry of a general nature or relating to the status
of this application should be directed to the Group
receptionist whose telephone number is (703) 305-4700.

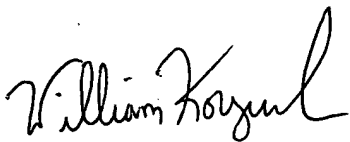
Any inquiry concerning this communication or earlier
communications from the examiner should be directed to Kim CHU
whose telephone number is (703) 305-3032.

If attempts to reach the examiner by telephone are
unsuccessful, the examiner's supervisor David Hudspeth who can
be reached on 9703) 308-4825.

ke 3/23/04

Kim-kwok CHU
Examiner AU2653
March 23, 2004

(703) 305-3032


WILLIAM KORZUCH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600